

Notice of Allowability

Application No.

09/812,065

Examiner

Anthony Fick

Applicant(s)

ROSSIER ET AL.

Art Unit

1753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to request for continued examination filed 10 February 2005.
2. ☒ The allowed claim(s) is/are 1-3, 5-9, 11-13 and 15-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with George Smith Jr. on January 11, 2006.

The application has been amended as follows:

a) The attorney authorized several changes to claim 8. Rather than list all the individual changes, the examiner will write out the entire claim incorporating all authorized changes. Claim 8 has been replaced with the following claim 8:

-- Claim 8. A method of manipulating fluid samples using the apparatus of claim 1 comprising the steps of:

- a. mechanically pumping an eluent solution into one end of the second covered channel and through the intersection while maintaining constant pressure between both ends of the first covered channel when the multi-port valve is in the second position;
- b. then switching the multi-port valve to the first position so that a sample solution is pumped into the first covered channel through an opening at one end thereof while pressure is applied at both ends

of the second covered channel so as to pinch said sample solution at the intersection; and

- c. switching the multi-port valve back to the second position so that the sample is pushed from the intersection along the second covered channel.

b) Claim 9, line 5: "first" has been replaced with – second -- .

c) Claim 11, line 2: "one arm of the second covered channel of the device into" has been deleted.

d) Claim 11, line 3: "and" has been deleted.

e) Claim 11, line 4: "first" has been replaced with – second -- .

f) Claim 20, line 5: "applying" has been deleted.

g) Claim 20, line 5: between "while" and "pressure" the following has been inserted – maintaining constant -- .

h) Claim 20, line 5: "to" has been replace with – between -- .

i) Claim 20, line 11: between "while" and "pressure" the following has been inserted – maintaining constant -- .

j) Claim 20, line 11: "is applied at the other three openings" has been deleted.

k) Claim 20, line 11: between "pressure" and "; and" the following has been inserted – between both ends of the first covered channel -- .

l) Claim 20, line 14: "one arm of the second channel of the device into" has been deleted.

m) Claim 20, line 16: "and" has been deleted.

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n) Claim 22, line 2: "one arm of the second covered channel of the device into" has been deleted.

o) Claim 22, line 3: "and" has been deleted.

p) Claim 23, line 1: "21" has been replaced with – 20 -- .

Allowable Subject Matter

2. Claims 1 through 23 are allowed.

3. The following is an examiner's statement of reasons for allowance: Claims 1 and 13 of the present application are identical to claims 1 and 13 allowed in the Notice of Allowance of December 13, 2004. The instant claims are still distinguished over the prior art for the same reasoning set forth within the December 13th Notice of Allowance. Claims 2 through 12 and 15 through 23 all depend from claims 1 or 13 and are allowable for the same reasoning as for claims 1 and 13.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Fick whose telephone number is (571) 272-6393. The examiner can normally be reached on Monday thru Friday 8 AM to 5 PM.

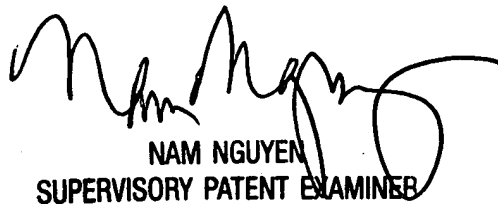
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anthony Fick
AU 1753
January 11, 2006

ADF


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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700